

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: _____
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMY SINCLAIR,

Plaintiff,

-against-

ALYSSA VIANCO CABA,

Defendant.

1:25-cv-03458-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

This action was removed by Defendant on April 25, 2025 pursuant to 28 U.S.C. § 1441(b). [ECF No. 1]. Pursuant to the procedural requirements of 28 U.S.C. § 1446, to remove a case, a defendant must “file the notice of removal in federal court, give [written] notice to adverse parties, and file a copy of the notice of removal with the state court.” *Parkinson v. City of New York*, No. 21 CIV. 4113 (JPC), 2021 WL 5323294, at *2 (S.D.N.Y. Oct. 20, 2021) (citing *Hoechstetter v. Columbia Univ.*, No. 19 Civ. 2978 (ALC), 2020 WL 905738, at *2 (S.D.N.Y. Feb. 25, 2020)); 28 U.S.C. § 1446(d) (“Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court. . . .”). On the same day, Defendant filed an Affidavit of Service of the Notice of Removal, Rule 7.1 Statement, and Civil Cover Sheet on Plaintiff. [ECF No. 4]. The affidavit states that it served Plaintiff by filing a Notice of Removal in New York County Supreme Court. *Id.* Now more than 30 days later, Plaintiff has not appeared in this case.


Accordingly, IT IS HEREBY ORDERED that on or before June 12, 2025, Defendant shall file a letter advising the Court why she believes filing a notice of removal with state court is

sufficient to satisfy the requirement that she “give written notice [of removal] to all adverse parties.”

The parties are reminded that failure to comply with this Order or with any order of the Court or failure to comply with the FRCP, the Local Rules for the SDNY or this Court’s Individual Practice Rules, or the parties’ discovery or other obligations may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.

SO ORDERED.

**Dated: New York, NY
May 29, 2025**



MARY KAY VYSKOCIL
United States District Judge